

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

The Examiner objects to the disclosure under 37 CFR § 1.163(a) and rejects the claim under 35 U.S.C. 112, first and second paragraphs, as being unsupported by a clear and complete botanical description which distinguishes the cultivar from related known varieties. Favorable reconsideration and allowance of the application is requested in view of the foregoing amendments and the remarks which follow.

In order to expedite the Examiner's review of this response, applicant will address each of the Examiner's objections in the order they were discussed in the Official Action.

A. The specification has been amended at page 1, lines 3 and 8, to replace the recitation "hybridus" with --hybrida--..

B. The specification has been amended at page 1, line 12 – 14, to replace the recitation: "The objective of the breeding program is to improve current blue market cultivar 'Edelbau' by developing more compact growth habit, larger flowers and improved vigor." with the recitation -- The objective of the breeding program is to improve upon the *Plectranthus* varieties currently available, such as the cultivar 'Edelbau' (unpatented) by developing a *Plectranthus* variety with more compact growth habit, larger flowers and improved vigor."

C. The specification has been amended at page 1, line 13, to clarify that the variety 'Edelbau' is unpatented in the U.S.

D. The specification has been amended at page 1, 2<sup>nd</sup> full paragraph, and at page 4, line 17, to state which parent was used in the backcross.

E. The specification has been amended at page 3, line 4, to quantify the shorter production time.

F. The specification has been amended at page 3, to disclose that the variety used for the comparison date is the variety 'Edelblau'.

G. The specification has been amended at page 1, line 17, to provide a description of the parental cultivars.

H. The specification has been amended at page 4, 2<sup>nd</sup> full paragraph to import a description of the third photographic drawing.

I. The specification has been amended at page 5, line 16, to delete the term "brochidodromus".

J. specification has been amended at page 5, line 21, to provide the average diameter of the petiole.

K. The specification has been amended at page 6, lines 5 – 6 to quantify the lastingness of the bloom.

L. The specification has been amended at page 6, lines 11 – 12, to correct information regarding the size of inflorescence.

M. The specification has been amended at page 6, line 13, to provide the average size of the floral tube.

N. The specification has been amended at page 6, line 15, to provide the RHS designation for the very light purple inner color of the bud, incorrectly disclosed as "white".

O. The specification has been amended at page 7, before line 1, to import information relative to the sepals.

P. The specification has been amended at page 7, line 3, to import information relative to the pedicel and peduncle.

Q. The specification has been amended at page 7, to import additional information relative to the stamens and anthers, as well as information regarding the filaments.

R. The specification has been amended at page 7, to set forth the pistil number.

S. The specification has been amended at page 7, to import a description of the capsule.

T. The specification has been amended at page 7, to import the degree symbol.

Lastly, the specification has been amended throughout to change the title of the instant plant from 'Cape Angels Purple' to --'P000607'--.

Due to the number of changes and/or corrections, Applicants hereby file a substitute specification containing no new matter. The Examiner is authorized to cancel the specification as filed in favor of the attached substitute specification.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should an improper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Amendment and Request for Reconsideration

Atty. Dkt. No. 034896-0108

Serial No. 10/716,658

Respectfully submitted,

Date: June 21, 2004

FOLEY & LARDNER LLP  
Customer Number: 22428

22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5483

Facsimile: (202) 672-5399

By Richard C. Peet

Richard C. Peet  
Attorney for Applicant  
Registration No. 35,792